IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2842 of 2005

Between:

Giriboyina Venkata Srinivas, S/o. G.V.Ramanappa,

Aged about 32 years, Occ: Business,

R/o. H.No.6-1-103/8, Behind CRPF Building,

Abinavnagar Colony, Padmarao Nagar,

Secunderabad.

..... PETITIONER

AND

1. The Transport Commissioner,

   Govt. of A.P., Khairatabad, Hyderabad

2. The Regional Transport Officer/ Registering Authority,

   Secunderabad, AP010 (Hyderabad-North)

3. The Regional Transport Authority / Registering Authority,

   Khairatabad, AP09.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of the respondents in not registering the (two) Vehicles of the petitioner as illegal, irregular and quite Arbitrary, and in

violation of Articles 14 and 300-A of the Constitution of India by setting aside the order dt. 18.02.2005 passed by the second respondent herein.

Counsel for the Petitioner: MR.J.SURYA BHAGAVANTHAM

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following ORDER:

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not registering the two vehicles of the petitioner as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

The case of the petitioner is that he applied for registration of two Medium Commercial Vehicles TATA Diesel LPT 909 EX/38 before the Registering Authority, R.T.A., Secunderabad, with all the documents in duplicate in Form No.20-Check Slip. The same was returned by the Registering Authority, R.T.A., Secunderabad, on the ground that the Vehicle Model LPT/909/EX/38/CLB is not in the system (Computers). Hence, the present writ petition.

The learned counsel for the petitioner placed reliance on the proceedings of the Transport Commissioner, Hyderabad, dated 14.06.2004 wherein it is stated that the Registering Authorities in the State are requested to register the Vehicle Model LPT/909/EX/38/CLB provided the vehicles comply with the provisions of Chapter VII of the Motor Vehicles Act, 1988 (for short 'the Act').

Even though the vehicle model is not found in the system, if the certificates produced by the petitioner are in conformity with the proceedings dated 14.06.2004, the Registering Authority is bound to register the vehicles provided the vehicles comply with the provisions of the Chapter VII of the Act.

Hence the writ petition is disposed of directing the petitioner to approach the respondents and the respondents shall consider the registration of the vehicle in accordance with the provisions of the Act. No costs.

18.02.2005

Note: Furnish CC in three days

B/o.

va/usd

To

1. The Transport Commissioner,
   Govt. of A.P., Khairatabad, Hyderabad

2. The Regional Transport Officer/ Registering Authority,
   Secunderabad, AP010 (Hyderabad-North)

3. The Regional Transport Authority / Registering Authority,
   Khairatabad, AP09.

4. Two CCs to G.P. for Transport, High Court of A.P., Hyderabad (OUT).

5 Two CD copies.